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### The Opinion Report – April 23, 1973

The Opinion

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THE OPINION REPORT

MAY 10, 1973

This first issue of the Opinion Report, a paper to be published between regular issues of the Opinion as necessary, is in response to several items of news which the Editorial Board of the Opinion feel deserve exposure to the scrutiny of the law school community before next fall.

Our next regular issue of the Opinion, to be published on May 3, will be devoted solely to photographs taken by law students.

\*STUDENTS SCORE KATZ'S GRADING\*

by Dianne Graebner

--Kay Latona, Editor

The first hearing held by the Faculty-Student Relations Board (FSRB) generally probed student grievances against grading and teaching in Prof. Al Katz's freshman Criminal Law course, resulting in the decision to set another hearing with more clearly defined remedies to be proposed by students.

Student Rich Cohen presented the grievances, based on a petition signed by about 20 students, to the April 12 hearing, which drew a full house audience in Room 108.

In the petition, the students made the following factual allegations: first, there is a "gross statistical disparity" between the grades in Mr. Katz's Criminal Law course and other Criminal Law courses as well as between his course and all other freshman courses. There were 20% F's (13) in Mr. Katz's course. Second, students receiving F's had no apparent difficulty with their other grades; the correlation between Prof. Katz's grades and other courses, said Mr. Cohen, is "slim if not nonexistent." And third, freshman admission standards reportedly make this the most qualified class to date.

The students stated that "in view of this specific situation, the source of the problem is extrinsic to that of the students, rather it is in the nature of the examination, the professor's non-preparation of students for the exam, and his grading policies."

Specific items mentioned in connection with this conclusion included the rare submission of written problems to the student, that the exam dealt only "very tenuously" with material from in class sessions, and that the teacher directed his attention to a small, well defined audience within the class.

Speaking to the grading policy, the petition presented suggested that Mr. Katz failed a student if he failed one part of the two part exam, and termed this a "very irrational procedure."

The remedies suggested by the petition included an inquiry by the FSRB into the grading of the

exams, including inquiries into the objectives of the professor and testimony by the students as to what they received from the class, exam scrutiny, and regrading.

The petition also suggested a three-partite notation next to the grades in question, based on "no change in grade", "grade changed", and "no preponderance of evidence to justify a grade change but substantial doubt" that the grade was indicative of the student's achievement.

Finally, the students suggested that Mr. Katz not teach freshman classes and that the exams be regraded.

Prof. Dan Steinbock, faculty member of FSRB, questioned Mr. Cohen as to the student's specific request for remedies, and the indications from the students were that they wanted all F exams regrades (signatures on the petition being irrelevant to this purpose)

In response to the question of what power FSRB has, Chairman David Kochery remarked that its powers are totally "recommendatory." It can only, as the third faculty member Prof. Pat Kelly discussed later, make recommendations to bodies that do have authority.

Mr. Kelly also pointed out problems with the Court of Appeals in making notations on grades, and the overriding problem of academic freedom. "If we do recommend steps of this kind," he said, "we will have extended a really excruciating debate. You're really asking for changes in the structure of this institution that will make pass-fail seem like nothing."

Mr. Kelly's specific suggestion that the board approach Mr. Katz and ask him to undertake regrading on the basis of the factual statistical discrepancy as a preliminary approach to solving the problem was met with mixed reaction by the students. Some expressed the opinion that he could not regrade objectively; others said only the professor was capable of regrading his exam. It was pointed out that Mr. Katz had returned the exams to the students.

Several students strongly indicated that this solution - if it

were effected--should not be allowed to override what might be more important issues, such as Mr. Katz's teaching and examination methods.

The subject of additional grievances by upperclassmen, other remedies, and a date for the next hearing, to which Mr. Katz may be invited, were left for later decision making.

**\*THE THURSDAY CINEMA\***  
by Reed Cosper

"In the new facility faculty and students will share the same toilets." This was one of the many golden promises which Prof. Wade Newhouse offered to an appreciative audience at last Thursday's multi-media "State of the School" message. The 50 minute program provided a whirlwind tour of the new law school floor plans, panoramic views, and quaint photos of hard hat's lunch pails. It was astounding how much raw data Mr. Newhouse packed into the meager time allotted him. Occasionally I thought I was listening to a door to door encyclopedia salesman. Anyway, it was evident throughout that he "believes" in his product.

The most obvious improvement next year will be the library facilities. The new library is six stories high with ample study space for all. Student Lounge areas on the other hand may be less satisfying than what we have on Eagle Street. For lunch next year you will have to walk 1/4 mile to a dormitory complex--take it or leave it. The Moot Court room looks fantastic and so do the classrooms. On the other hand there are no windows in most rooms and no air conditioning until 1975.

In the end the "State of the School" message painted a lot of silver clouds with gray lining. I myself am particularly worried about "community" next year. Apparently next year's campus will be as commuterized as this year's and we will all walk around as comparative strangers in an elegant library. If, as Mr. Newhouse suggests, the sharing of toilets can provide appropriate symbolism of a student-faculty community, I don't see how Ms. Girth or Mix (not to mention the women law students) can hope to gain from the move to Amherst.

The Opinion commends Provost Schwartz, Assistant Dean Majorie Mix, and Professors Newhouse and Reis for their efforts at communication with the students regarding the new law school.

**\*BUFFALO STUDENTS HOPE TO  
INITIATE LEGISLATIVE  
RESEARCH GROUP\***  
by Jim Clute

How many Buffalo students will be able to say that they were instrumental in drafting important legislation governing the lives of New York residents--when they were juniors in law school? In 1971, Peter Grosse, a Yale law student, drafted a 68 page bill which became the income tax law for the state of Connecticut. The law was a masterpiece of draftsmanship, except for the section which was revised by the legislature's committee on drafting, but proved unpopular with voters and was repealed. Other Yale students have drafted more lasting legislation for state and county legislatures on topics ranging from affirmative action programs for minority groups to women's labor problems.

The Yale students' experience was made possible through the efforts of a student run organization called Yale Legislative Services. YLS solicits requests for assistance from state and county legislators and forwards these requests to the student body. Students choose a topic of their liking, contact their legislator, and proceed to map out a plan for research. Student editors supervise and assist those engaged in the projects and subject the product to a rigorous 17 step editing process. The end result is a concise survey of statutes from other jurisdictions, the case law, and a draft bill. When the bill comes before the legislature students are occasionally called to testify. Some have been fortunate enough to make valuable contacts which enabled them to pursue this type of work after graduation.

A few weekends ago I was privileged to attend a YLS conference designed to familiarize other law schools with the work of YLS and to encourage them to establish their own programs. The Yale students I spoke with felt they were engaged in an endeavor which was personally rewarding and which could substantially improve the quality of state and local legislation. Those state legislators who attended the conference bemoaned their own lack of research facilities and personnel and admitted that YLS rendered a valuable service.

At present a small group of Buffalo students is working on plans for a legislative service. If you think you might be interested in participating in such a program next term, please come to .....

Room 108 on Thursday, April 26  
at 1 p.m.

p. 3

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**\*1973-1974 MOOT COURT  
CHAIRPERSON ELECTED\***

The new Moot Court Board, recently selected from among this year's candidates, Thursday elected a new chairperson, Lance Mark.

Mark, a junior, has spent a year on the Board already. He was a candidate his freshman year.

New members of the Board are Joe Burden, Jim DeVoy, Mike Dunlavey, Cy Klover, Benjamin Idziak, Peter Jasen, Kay Latona, Marty Miller, John Mendenhall, Tom Mullaney, Tom Quinn, Gary Schmitt, and Tim Toohey.

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**\*LACK OF NOTICE TO  
STUDENT FSRB REPS\***

The four elected student representatives to the FSRB received no notice of the April 12 meeting concerning Prof. Katz's grading policies.

When questioned after the meeting, Prof. Steinbock, Secretary of the FSRB, said he didn't know anything about it.

Prof. Kochery, Chairperson, later said the notices were properly sent out by his secretary, but were apparently delayed in the mail room, or possibly in the U.S. mail. He pointed out that there are standing instructions for mail notification to student reps of every student-faculty committee meeting.

Of the four student members, Michael Berger, Judith Kampf, Hazel Warnick and Dave Hampton, only Dave Hampton attended the meeting, and then for only the last ten minutes or so. Hampton said he just happened to catch sight of a small notice on the door of 108 as the meeting was in progress.

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**\*REQUEST FOR COPIES OF OLD ISSUE\***

The Opinion plans to enter the ABA/LSD national law school newspaper in Washington this summer, and is required to include four copies of each of this year's issues with its entry. We have only one copy of the first issue, Volume 13, Number 1, published on September 15, 1972. This is the issue with last spring's grades. If you have a copy you are willing to part with, please bring it to the Opinion office, 216B Eagle.

**\*WHERE ARE UB LAW'S MINORITY  
PROFESSORS?\***

One of the major problems confronting the University of Buffalo Law School is its seeming inability to affirmatively seek out and secure Minority legal talent to its faculty. At present, there are only two Minority professors here, one in fact and the other in name only.

The process by which individuals are recruited to the Law faculty is initiated in the main by the Law School's Faculty Appointment Committee. This Committee is composed of eight individuals, five faculty members and three students who voluntarily choose to sit as participating members.

The major functions of this Committee are to review all applications for appointment, collect relevant data concerning the applicants' personal and professional lives, and request certain applicants to visit the Law School for both formal and informal talks with students and faculty. The Committee carefully screens each applicant based, more often than not, on traditional standards, and selects those individuals who in its opinion are the most qualified candidates. The names of the candidates are put before the full faculty for approval or disapproval.

The efforts of the Appointments Committee for 1972-73 were, in the opinion of this writer, feeble. It is true that some recommendations advanced in recognition of the problem and in an attempt adequately to deal with it raised hopes and bore some dubious fruit, i.e., establishing the "Sub-Committee on Minorities", which is possibly a step in the right direction. The full faculty must also bear responsibility for the problem because theirs is the task of ultimately deciding the fate of the candidate.

During 1972-73, the Appointments Committee submitted no more than three Minority candidates to the faculty and in each instance, the candidates were rejected for reasons as shallow as, "not qualified", or "didn't get a good look at him". While it is reasonable to assume that some candidates might ultimately prove to be unqualified, it is unreasonable to assume that none were qualified, especially after being adequately screened and recommended by a reliable and creditable Appointments Committee.

Obviously, serious changes are needed in the attitudes of the faculty. Perhaps over conservatism should bow to constructive liberalism in recognition of this exigent problem.

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GOOD LUCK ON EXAMS!!!!!!!!!!

Presently, there are approximately 89 Minority students out of more than 600 enrolled students attending U.B. law, and next year's projected Minority enrollment approaches 130. The increase in Minority student enrollment is indicative of the urgent need for additional Minority faculty.

I urge the Administration to live up to its responsibility toward academic excellence and scope of instruction and take immediate action to insure that the Faculty is adequately staffed with Minority members. This effort can best be achieved by a firm Administration position on the issue which can effect a changing faculty attitude.

--- Nathaniel Wong, Jr.

an alleged lack of connection between the results of his grading policy and the concept that it is the professor's function to prepare his students as potential practitioners in a particular field of law. As of Friday, 4/20, the upperclassmen's petition asked for a further explanation by Prof. Katz of his grading policy, as well as specific illustrations by him within the framework of his courses, of whatever it is he requires of his students on his exams.

All petitions of grievance and proposed remedies are to be submitted to FSRB by Tuesday, 4/24. Prof. David Kochery, FSRB Chairperson, has assured the Freshman student liaison, Rich Cohen, that another hearing will be scheduled as soon as possible.

**\*PROGRESS REPORT: FSRB AND THE  
GRIEVANCES AGAINST PROF. KATZ\***

by R. Cohen

According to the agreement concluded at the April 12th meeting of FSRB, at which freshmen of Section I aired their general grievance and proposed remedies concerning Prof. Katz's grading policies and conduct of his Freshman Criminal Law course, students are presently reformulating their grievances and proposed remedies in more specific form. Apparently a split has developed among the students involved: there are those who wish to limit their grievances and/or remedies to narrow, discrete issues such as Prof. Katz's grading policies, a possible review of the F papers, etc. At this time, however, it also appears that another group wishes to make a more broadly-based presentation, planning to use the Katz incident merely as the point of departure for a critique of school grading policies.

Upperclassmen have also shown significant interest in this affair. Presently, some upperclassmen who have had Prof. Katz for courses are formulating a petition of their own to be presented to FSRB. As of last Friday (4/20), the grievance had not yet been completed; however, its basic outlines were apparent. The grievance will allege, much as the Freshman opening statement at the 4/12 FSRB meeting had, that Prof. Katz did not adequately prepare his classes for his final examinations. Much of the grievance will be directed at Prof. Katz's grading policies, his apparent non-recognition of the "D" grade, and

**\*SBA: A LOOK AT THE SEASON\***

As the year draws to a close, it behooves all of us who still pay an activities fee to evaluate the performance of our student government over the past semester.

We admire the promethean effort of the Executive Board in several fields, most notably the selection of student representatives to faculty committees. While their choices have drawn criticism, all being white males, it cannot be denied that the choosers agonized over each appointment.

Marty Miller, our erstwhile President, deserves accolades for his work in securing student space in the new building and championing many student grievances before the Administration. While not always a success, he continues to give his best.

Now the bad news. First we note the incredible lack of control the SBA has shown over its funds. Our monies are entrusted to SubBoard, yet our representative thereto rarely attends its meetings, and has not helped in the losing fight to unstick our money from the bureaucratic fen. Those who cried fiscal irresponsibility when the OPINION was granted funds for a new typewriter ignore the fact that no one in the SBA has been able to present a clear picture as to the state of its finances.

And we must decry the present administration's disdain for parliamentary procedure. Working without a quorum is a blatant violation of the constitution: if you cannot function, you should dissolve.

Let the SBA become all it is capable of becoming --- JSL.